

Interim Committee on Dyslexia

August 2, 2010

Texas Scottish Rite Hospital for Children

Dallas, Texas

1:00 PM – 5:00 PM

Submitted by

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Texas Education Code §38.003 (State Law)

§38.003. Screening and Treatment for Dyslexia and Related Disorders

- (a) Students enrolling in public schools in this state shall be tested for dyslexia and related disorders at appropriate times in accordance with a program approved by the State Board of Education.
- (b) In accordance with the program approved by the State Board of Education, the board of trustees of each school district shall provide for the treatment of any student determined to have dyslexia or a related disorder.
- (c) The State Board of Education shall adopt any rules and standards necessary to administer this section.
- (d) In this section:
 - (1) "Dyslexia" means a disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity.
 - (2) "Related disorders" includes disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.

Texas Education Code §28.006 (State Law)

§28.006. Reading Diagnosis

- (a) The commissioner shall develop recommendations for school districts for:
 - (1) Administering reading instruments to diagnose student reading development and comprehension;
 - (2) Training educators in administering the reading instruments; and
 - (3) Applying the results of the reading instruments to the instructional program.
- (b) The commissioner shall adopt a list of reading instruments that a school district may use to diagnose student reading development and comprehension. A district-level committee established under Subchapter F, Chapter 11, may adopt a list of reading instruments for use in the district in addition to the reading instruments on the commissioner's list. Each reading instrument adopted by the commissioner or a district-level committee must be based on scientific research concerning reading skills development and reading comprehension. A list of reading instruments adopted under this subsection must provide for diagnosing the reading development and comprehension of students participating in a program under Subchapter B, Chapter 29.
- (c) Each school district shall administer, at the kindergarten and first- and second-grade levels, a reading instrument on the list adopted by the commissioner or by the district-level committee. The district shall administer the reading instrument in accordance with the commissioner's recommendations under Subsection (a)(1).
- (d) The superintendent of each school district shall:
 - (1) Report to the commissioner and the board of trustees of the district the results of the reading instruments; and
 - (2) Report, in writing, to a student's parent or guardian the student's results on the reading instrument.

Texas Education Code §28.006 (State Law)

§28.006. Reading Diagnosis

- (e) The results of reading instruments administered under this section may not be used for purposes of appraisals and incentives under Chapter 21 or accountability under Chapter 39.
- (f) This section may be implemented only if funds are appropriated for administering the reading instruments. Funds, other than local funds, may be used to pay the cost of administering a reading instrument only if the instrument is on the list adopted by the commissioner.
- (g) A school district shall notify the parent or guardian of each student in kindergarten or first or second grade who is determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties. The district shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to those students and shall determine the form, content, and timing of that program. The admission, review, and dismissal committee of a student who participates in a district's special education program under Subchapter B, Chapter 29, and who does not perform satisfactorily on a reading instrument under this section shall determine the manner in which the student will participate in an accelerated reading instruction program under this subsection.
- (h) The school district shall make a good faith effort to ensure that the notice required under this section is provided either in person or by regular mail and that the notice is clear and easy to understand and is written in English and in the parent or guardian's native language.
- (i) The commissioner shall certify, not later than July 1 of each school year or as soon as practicable thereafter, whether sufficient funds have been appropriated statewide for the purposes of this section. A determination by the commissioner is final and may not be appealed. For purposes of certification, the commissioner may not consider Foundation School Program funds.
- (j) No more than 15 percent of the funds certified by the commissioner under Subsection (i) may be spent on indirect costs. The commissioner shall evaluate the programs that fail to meet the standard of performance under Section 39.051(b)(7) and may implement sanctions under Subchapter G, Chapter 39. The commissioner may audit the expenditures of funds appropriated for purposes of this section. The use of the funds appropriated for purposes of this section shall be verified as part of the district audit under Section 44.008.
- (k) The provisions of this section relating to parental notification of a student's results on the reading instrument and to implementation of an accelerated reading instruction program may be implemented only if the commissioner certifies that funds have been appropriated during a school year for administering the accelerated reading instruction program specified under this section.

Text of subsection (l) effective until January 1, 2002.

(l), (m) Expired. Added by Acts 1997, 75th Leg., ch. 397, § 2, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 396, § 2.11, eff. Sept. 1, 1999.

Texas Education Code §7.028(b) (State Law)

§7.028. Limitation on Compliance Monitoring

- (b) The board of trustees of a school district or the governing body of an open-enrollment charter school has primary responsibility for ensuring that the district or school complies with all applicable requirements of state educational programs.

Added by Acts 2003, 78th Leg., ch. 201, § 4, eff. Sept. 1, 2003.

Renumbered from V.T.C.A., Education Code § 7.027 by Acts 2005, 79th Leg., ch. 728, § 23.001(9), eff. Sept. 1, 2005.

Texas Administrative Code §74.28 (State Board of Education Rule)

§74.28. Students with Dyslexia and Related Disorders

- (a) The board of trustees of a school district must ensure that procedures for identifying a student with dyslexia or a related disorder and for providing appropriate instructional services to the student are implemented in the district. These procedures will be monitored by the Texas Education Agency (TEA) with on-site visits conducted as appropriate.
- (b) A school district's procedures must be implemented according to the State Board of Education (SBOE) approved strategies for screening, and techniques for treating, dyslexia and related disorders. The strategies and techniques are described in "Procedures Concerning Dyslexia and Related Disorders," a set of flexible guidelines for local districts that may be modified by SBOE only with broad-based dialogue that includes input from educators and professionals in the field of reading and dyslexia and related disorders from across the state. Screening should be done only by individuals/professionals who are trained to assess students for dyslexia and related disorders.
- (c) A school district shall purchase a reading program or develop its own reading program for students with dyslexia and related disorders, as long as the program is characterized by the descriptors found in "Procedures Concerning Dyslexia and Related Disorders." Teachers who screen and treat these students must be trained in instructional strategies that utilize individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components described in the "Procedures Concerning Dyslexia and Related Disorders" and in the professional development activities specified by each district and/or campus planning and decision making committee.
- (d) Before an identification or assessment procedure is used selectively with an individual student, the school district must notify the student's parent or guardian or another person standing in parental relation to the student.
- (e) Parents/guardians of students eligible under the Rehabilitation Act of 1973, §504, must be informed of all services and options available to the student under that federal statute.
- (f) Each school must provide each identified student access at his or her campus to the services of a teacher trained in dyslexia and related disorders. The school district may, with the approval of each student's parents or guardians, offer additional services at a centralized location. Such centralized services shall not preclude each student from receiving services at his or her campus.
- (g) Because early intervention is critical, a program for early identification, intervention, and support for students with dyslexia and related disorders must be available in each district as outlined in the "Procedures Concerning Dyslexia and Related Disorders."

Texas Administrative Code §74.28 (State Board of Education Rule)

§74.28. Students with Dyslexia and Related Disorders

- (h) Each school district shall provide a parent education program for parents/guardians of students with dyslexia and related disorders. This program should include: awareness of characteristics of dyslexia and related disorders; information on testing and diagnosis of dyslexia; information on effective strategies for teaching dyslexic students; and awareness of information on modification, especially modifications allowed on standardized testing.

Source: The provisions of this §74.28 adopted to be effective September 1, 1996, 21 TexReg 4311; amended to be effective September 1, 2001, 25 TexReg 7691; amended to be effective August 8, 2006, 31 TexReg 6212.

The Dyslexia Handbook – Revised 2007

1. **Access to treatment in rural areas of the state;**
2. **The role of public education in detection and treatment;**
3. **Treatment for older students;**
4. **Any barriers related to accommodations for individuals with dyslexia and related disorders.**

1. **Access to treatment in rural areas of the state;**

Working with individuals from across the state in the Dyslexia Network (LEAs, parents, teachers, and administrators), the following points listed outline access to treatment of dyslexia in rural areas of the state:

*Many dedicated administrators, teachers, paraprofessionals, and parents in rural areas are committed to serving students with dyslexia.

*In rural areas of the state (there are substantial numbers of small rural districts), it is often difficult to fund the/a dyslexia position with already tight budgets. Examples of stretched resources include:

Principals delivering dyslexia services; multiple responsibilities of classroom teachers delivering dyslexia services, and auxiliary staff members are also delivering dyslexia services therefore dyslexia services become “worked in” when possible. Districts may fail to identify students with dyslexia because the language of TEC §38.003 (State Law) (b) reads: In accordance with the program approved by the State Board of Education, the board of trustees of each school district shall provide for the **treatment** of any student determined to have dyslexia or a related disorder... thus if students are identified, they must also be served.

*Because teacher pay is at the minimum in many rural districts, teacher turnover is high. When a person becomes trained either in a specific dyslexia program, or becomes a Certified Academic Language Therapist (CALT), these trained individuals migrate to districts that offer higher pay and often provide an opportunity to head positions frequently titled, “Dyslexia Services”.

*It is reported that a moderate to high number of paraprofessionals are implementing various dyslexia programs throughout the state. TAC §230.560 (2) states, “An educational aide II: is assigned and performs tasks under the general supervision of a certified teacher or teaching team; releases the teacher from routine tasks and participates in selecting, planning, organizing, and evaluating; helps the teacher prepare and use instructional materials; conducts drills and exercises as directed by the teacher; helps administer and score objective measurement instruments; helps the teacher work with individual students and groups; duplicates materials; records grades and attendance; prepares instructional aids, including displays and mockups; assists with play area activities; helps operate and use educational media; assists with testing routines; works with individual students in drills and exercises; conducts group drills and exercises; assists students with programmed or precise units of instruction; or performs equivalent activities determined by the local school district.” In *The Dyslexia Handbook~Revised 2007*, Appendix F: Questions and Answers, Teachers of Students with Dyslexia Q & A #30 reads: “What certification should teachers of students with dyslexia and related disorders have? Teachers of students with dyslexia and related disorders must have valid Texas teaching certificates for the particular grade level(s) that they teach. Teachers with coursework in the areas of reading and reading disabilities should be considered first for assignment to teach students with dyslexia and related disorders. These teachers should be trained to deliver instruction that is described in Chapter IV of this handbook. Those who are certified educational aides, per TAC guidelines, may perform assigned tasks under the guidance and supervision of a certified teacher or teaching team.” It is being reported that the reality is that many of these paraprofessionals (while qualified) are not being supervised, nor are they given guidance or training in dyslexia programming.

*Full dyslexia program implementation is often not followed, again reported because of a lack of resources either in program materials, or qualified personnel.

2. The role of public education in detection and treatment;

Working with individuals from across the state in the Dyslexia Network (LEAs, parents, teachers, and administrators), the following points listed outline the role of public education in the detection and treatment of dyslexia:

*Throughout the state of Texas, many districts and charter schools are aware of, and **fully** implement Texas Education Code §38.003 (State Law) and Texas Administrative Code §74.28 (State Board of Education Rule) under Texas Education Code §7.028(b) (State Law).

*Under identification of dyslexia in the primary grades is a recurring issue. On occasion, because of the successful implementation of TEC §28.006, districts will state that they do not identify dyslexia until 3rd grade or later.

*Over identification of dyslexia at all grade levels is reported in order to remove students from “core instruction” to an instructional setting where they may receive the services of a teacher with the skills to address dyslexia and the dyslexic student.

*Difficulty with the identification and instruction of dyslexic students in the ELL population is frequently reported.

*Teacher turnover is high. As, in rural districts, when a person becomes trained either in a specific dyslexia program, or becomes a Certified Academic Language Therapist (CALT), these trained individuals migrate to districts that offer higher pay and often provide an opportunity to head positions frequently titled, “Dyslexia Services”. Teachers working with dyslexic students also report extra duties within the district often take them from their primary position of providing instruction. These duties often include sharing §504 coordinator responsibilities.

NOTE: The role of public education in detection and treatment was more thoroughly covered during the April Interim Committee on Dyslexia.

3. Treatment for older students.

TEC §38.003. Screening and Treatment for Dyslexia and Related Disorders (a) Students enrolling in public schools in this state shall be tested for dyslexia and related disorders at appropriate times in accordance with a program approved by the State Board of Education.

Working with individuals from across the state in the Dyslexia Network (LEAs, parents, teachers, and administrators), the following points listed outline the treatment for older students:

*Throughout the state, there are many knowledgeable and dedicated administrators, teachers, paraprofessionals, and parents committed to older students with dyslexia.

*Many secondary campuses do not have dyslexia programs. It is reported some administrators do not see the need for dyslexia programs in high school since the district identifies dyslexia at an early age, and the assumption is that dyslexia has been remediated by the time students reach high school (some reports of middle schools following the above scenario).

*Reported scheduling conflicts do not permit dyslexia program implementation at the high school level. Examples of scheduling conflicts are reported in general education courses, college preparatory high school courses, vocational classes, technical, and/or extracurricular activities.

*Dyslexia programming consists of accommodations only.

*Dyslexic students are having difficulty transitioning into the post-secondary world with the appropriate dyslexia identification documentation (assessment, accommodations, and if dyslexic and in Special Education, a Summary of Performance (SOP). The SOP is a tool used to bridge the gap between standardized assessments and actual **current** student performance.

4. Any barriers related to accommodations for individuals with dyslexia and related disorders. Rehabilitation Act of 1973, Section 504 (Federal Law). Responsible/Reasonable Accommodation(s).

Working with individuals from across the state in the Dyslexia Network (LEAs, parents, teachers, and administrators), the following points listed outline barriers related to accommodations for individuals with dyslexia and related disorders:

*Students are often issued accommodations on an “as needed” basis at the high school level, complicating accommodation use in post-secondary environments (college, university, trade school, internships, etc.).

*Accommodations are not reviewed on a regular basis; as dyslexic students progress through the grades, accommodations used in the elementary grades are often vastly different from accommodations needed at the high school, or post-secondary level.

*The decision to use an accommodation should be made on an individual basis. Frequently the “one size fits all” accommodation(s) are provided to students without regard to both the needs of the student and whether the student routinely receives the accommodation in classroom instruction and testing.

*Administrators and teachers have difficulty differentiating allowable accommodation(s) use in classroom instruction and testing vs. accommodation(s) use on standardized assessment(s).

*LEAs, administrators, teachers, and parents often experience major confusion between accommodations and modifications.

Accommodations are practices and procedures that provide equitable access to grade-level curriculum during instruction and assessment for all students (TEA, 2010) and change or alter the learning environment, not the objectives, information or material(s). Accommodations do not reduce learning expectations. Modifications change or alter the objectives, information or material(s), and may reduce learning expectations.

*Accommodations are being issued to students and not practiced by students during classroom instruction. Because students have not had an opportunity to use an accommodation prior to high stakes testing, the accommodation will often hinder student performance rather than help.

NOTE: Accommodations are available to all students in the state of Texas. The Texas Education Agency has published the *Texas Student Assessment Program Accommodations Manual: Guidelines for Selecting, Providing, and Evaluating the Use of Accommodations for All Students*. Of particular interest to professionals serving dyslexic students are the sections of the manual titled “Dyslexia Bundled Accommodations” and “Accommodations by Category Chart.”